

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Fan Zhao Xin,

Case No: 2:22-cv-01239-JAD-VCF

Petitioner

James Billingsley, Residential Reentry

Respondent.

Order Dismissing Petition

[ECF No. 1]

This is a habeas proceeding under 28 U.S.C. § 2241 brought by Fan Zhao Xin, a federal prisoner who asks the court to order that he be transferred to supervised release. Respondent, the Bureau of Prisons (BOP), asserts that Xin's § 2241 petition is moot because Xin has been denied the relief he requests.¹ Xin did not reply to the BOP's response in the time I allowed. Given no reason to question the BOP's representation, I dismiss Xin's petition as moot.

Xin was convicted of a federal narcotics offense in the District of Nevada and sentenced months in custody.² He served the bulk of his 60-month term at the Terminal Island in California. When he filed his § 2241 petition, he had been released from Terminal and placed on home detention in Las Vegas, Nevada.

Xin alleges in his petition that he is eligible for credits under the First Step Act³ that terminate his term of custody.⁴ He claims that he has participated in the necessary

1 ECF No. 15.

|² ECF No. 9.

²³ ³ First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018).

⁴ ECF No. 1 at 6.

1 programs and notes that the Act's implementation date of January 15, 2022, has passed. He asks
2 the court to order the BOP to immediately transfer him to supervised release.⁵

In responding to the petition, the BOP states that, after Xin filed his petition, the BOP awarded him 219 days of First Step Act credit and transferred him to supervised release on August 10, 2022.⁶ The BOP provides a printout that appears to confirm this information.⁷ I view the absence of a reply from Xin as a concession that the information is accurate. Because the BOP has provided the relief Xin seeks, I must dismiss this case as moot.⁸

8 **IT IS THEREFORE ORDERED** that Xin's petition for writ of habeas corpus [ECF
9 No. 1] is **DISMISSED** as moot. The Clerk of Court is directed to **enter judgment** accordingly
10 and **close this case**.

Dated: November 21, 2022

U.S. District Judge Jennifer A. Dorsey

⁵ *Id.* at 7.

⁶ ECF No. 15 at 1-2.

⁷ ECF No. 15-1.

²³ ⁸ See *Picrin-Peron v. Rison*, 930 F.2d 773, 775 (9th Cir. 1991) (dismissing § 2241 petition because petitioner had been granted immigration parole and released from custody).